

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Keith Edwards,	:	
	:	
Plaintiff	:	Civil Action 2:05-cv-00657
	:	
v.	:	Judge Smith
	:	
Warner-Lambert Co., <i>et al.</i> ,	:	Magistrate Judge Abel
	:	
Defendants	:	

**ORDER**

The Clerk of Court is DIRECTED to remove plaintiff's May 16, 2012 motion to defer attorney fee award (doc. 40) from the pending motions list. It is MOOT. The Court's June 13, 2012 Order stated:

If the Defendants intend to pursue the Court's earlier award of attorney's fees (Docs 32, 39), then the Defendants shall submit an affidavit and supporting evidence relating to the amount of fees sought pursuant to the Court's earlier Order. Such affidavit and evidence shall be filed within fourteen (14) days of the date of this Order. Upon receipt of the Defendant's request for fees, the Court will consider the Plaintiff's outstanding Motion to Defer Attorney's Fees (Doc 40).

Doc. 41. Defendants have failed to submit an affidavit and supporting evidence as required by the Court's Order. As a result, defendants are prohibited from pursuing an attorney fee award against plaintiff with respect to this matter.

Under the provisions of 28 U.S.C. §636(b)(1)(A), Rule 72(a), Fed. R. Civ. P., and Eastern Division Order No. 91-3, pt. F, 5, either party may, within fourteen (14) days

after this Order is filed, file and serve on the opposing party a motion for reconsideration by the District Judge. The motion must specifically designate the Order, or part thereof, in question and the basis for any objection thereto. The District Judge, upon consideration of the motion, shall set aside any part of this Order found to be clearly erroneous or contrary to law.

s/ Mark R. Abel  
United States Magistrate Judge